

DAVID M. HARRISON, ESQ.  
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(718) 243-2109  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA ROSE FIORENZA,

Civil Action No.: 08 CV 0858 (DF)(SAS)

Plaintiff,

-against-

**DECLARATION OF DAVID M.  
HARRISON IN OPPOSITION  
TO MOTION TO DISMISS**

FREMONT INVESTMENT & LOAN,  
HSBC BANK U.S.A., NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
NOMURA HOME EQUITY LOAN,  
INC. ASSET-BACKED PASS  
THROUGH CERTIFICATES SERIES  
2006-FM2 and GRACE PELLEGRINO,  
d/b/a GMP FINANCIAL SERVICES,

Defendant(s).  
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DAVID M. HARRISON, ESQ., pursuant to 28 U.S.C. § 1746 declares under  
the penalty of perjury as follows:

1. That I am the attorney for the plaintiff, Maria Rose Fiorenza. As such, I am fully familiar with the facts and circumstances of this action, and submit this Declaration in opposition to the motion brought by defendants Fremont Investment & Loan and HSBC Bank U.S.A., National Association, as Trustee for Nomura Home Equity Loan, Inc. Asset-Backed Pass Through Certificate Series 2006-FM2, for: **(a)** an Order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing Plaintiffs' Complaint

as against said moving defendants for lack of subject matter jurisdiction; **(b)** an Order pursuant to Federal Rules of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and **(c)** such other and further relief as this Court deems just and proper.

2. A copy of the document entitled "Uniform Residential Loan Application", exchanged upon plaintiff by defendant Fremont Investment & Loan, is annexed as Plaintiff's Exhibit "1"

3. A copy of the notice of rescission forwarded by plaintiff to defendant Fremont Investment & Loan, as well as counsel for defendant HSBC Bank U.S.A., National Association, as Trustee for Nomura Home Equity Loan, Inc. Asset-Backed Pass Through Certificate Series 2006-FM2, on February 13, 2008; as a copy of the notice of rescission forwarded directly to defendant HSBC Bank U.S.A., National Association, as Trustee for Nomura Home Equity Loan, Inc. Asset-Backed Pass Through Certificate Series 2006-FM2, on February 14, 2008; are annexed as Plaintiff's Exhibit "2".

4. A copy of the "Notice of Appeal" filed on behalf of plaintiff Maria Rose Fiorenza, with the New York State Appellate Division/First Department, in connection with the March 24, 2008 order rendered by Honorable Lucindo Suarez, Justice of the Supreme Court of the State of New York, County of Bronx, is annexed hereto as Plaintiff's Exhibit "3".

5. A copy of the "Supplemental Affirmation" rendered by your affirmant, in connection with a motion brought by Maria Rose Fiorenza, in connection with a related foreclosure action, is annexed hereto as Plaintiff's Exhibit "4".

WHEREFORE, it is respectfully requested that this Court deny the motion

brought by defendants Fremont Investment & Loan and HSBC Bank U.S.A., National Association, as Trustee for Nomura Home Equity Loan, Inc. Asset-Backed Pass Through Certificate Series 2006-FM2; and for such other and further relief that this Court deems just and proper.

Dated: Brooklyn, New York  
May 16, 2008

**DAVID M. HARRISON, ESQ.**

By: 

David M. Harrison, Esq. (DH 6188)  
Attorney for Plaintiff  
Maria Rose Fiorenza  
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